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19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN FRANCISCO DIVISION

22 WAYMO LLC,  
23 Plaintiff,  
24 v.  
25 UBER TECHNOLOGIES, INC.,  
26 OTTOMOTTO LLC; OTTO TRUCKING LLC,  
27 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL PORTIONS OF  
THEIR MOTION FOR SUMMARY  
JUDGMENT AND EXHIBITS  
THERE TO**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal portions of their Motion for Summary Judgment and Exhibits Thereto. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Motion for Summary Judgment (“Motion”)	Highlighted Portions	Plaintiff (Green) Defendants (Blue) Third-party Velodyne (Yellow) Otto Trucking (Red)
Exhibits 2-4 to the Declaration of Michelle Yang	Entire Documents	Defendants
Exhibit 8 to the Declaration of Michelle Yang	Entire Document	Plaintiff
Exhibits 9-11, 15 to the Declaration of Michelle Yang	Highlighted Portions	Plaintiff (green)
Exhibits 17-18 to the Declaration of Michelle Yang	Entire Documents	Third-party Velodyne
Declaration of James Haslim	Highlighted Portions	Defendants (Blue)
Declaration of Brent Schwartz	Highlighted Portions	Otto Trucking (Red)
Exhibit 1 to the Declaration of Shane Brun	Highlighted Portions	Otto Trucking (Red)
Exhibit 2 to the Declaration of Shane Brun	Highlighted Portions	Otto Trucking (Red) Plaintiff (green)
Exhibit 3 to the Declaration of Shane Brun	Entire Document	Otto Trucking Defendants

Exhibits 4-5 to the Declaration of Shane Brun	Highlighted Portions	Defendants (Blue)
Exhibit 6 to the Declaration of Shane Brun	Entire Document	Plaintiff
Exhibit 7 to the Declaration of Shane Brun	Entire Document	Plaintiff Defendants

The blue-highlighted portions of the Motion, the entireties of Exhibits 2-4 to the Declaration of Michelle Yang, the blue-highlighted portions of the Declaration of James Haslim, the blue-highlighted portions of Exhibits 4-5 to the Declaration of Shane Brun, and the entirety of Exhibit 7 to the Declaration of Shane Brun contain highly confidential information regarding the technical details of specific elements of Uber's LiDAR systems, including specifications and diagrams, as well as Uber's development plans for these systems. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into the technical components of Uber's LiDAR sensors, such that Uber's competitive standing could be significantly harmed. (Yang Decl. ¶ 3.)

Exhibit 3 to the Declaration of Shane Brun contains highly confidential information regarding the details of a business agreement. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into how defendants negotiate their business agreements, such that Uber's competitive standing could be significantly harmed. (Yang Decl. ¶ 4.)

The red-highlighted portions of the Motion, the red-highlighted portions of the Declaration of Brent Schwartz, and the entirety of Exhibit 3 to the Declaration of Shane Brun contain information that has been designated "Highly Confidential – Attorneys' Eyes Only" by Otto Trucking in accordance with the Patent Local Rule 2-2 Interim Model Protective Order ("Protective Order"), which the parties have agreed governs this case (Transcript of 3/16/2017

1 Hearing, page 6). Defendants file this material under seal in accordance with Paragraph 14.4 of  
 2 the Protective Order. (Yang Decl. ¶ 5.)

3 The yellow-highlighted portions of the Motion and the entireties of Exhibits 17-18 contain  
 4 highly confidential information of third-party Velodyne. Defendants request the Court keep this  
 5 third-party's technical information secret to protect their competitive standing. (Yang Decl. ¶ 6.)

6 The green-highlighted portions of the Motion, the entirety of Exhibit 8, and the green-  
 7 highlighted portions of Exhibit 9-11, and 15 to the Yang Declaration, and entirety of Exhibits 6-7  
 8 to the Declaration of Shane Brun contain information that has been designated "Highly  
 9 Confidential – Attorneys' Eyes Only" by Waymo in accordance with the Patent Local Rule 2-2  
 10 Interim Model Protective Order ("Protective Order"), which the parties have agreed governs this  
 11 case (Transcript of 3/16/2017 Hearing, page 6). Defendants file this material under seal in  
 12 accordance with Paragraph 14.4 of the Protective Order. (Yang Decl. ¶ 7.)

13 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the  
 14 documents at issue, with accompanying chamber copies.

15 Defendants served Waymo with this Administrative Motion to File Documents Under  
 16 Seal on August 31, 2017.

17 For the foregoing reasons, Defendants request that the Court enter the accompanying  
 18 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and  
 19 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –  
 20 ATTORNEYS' EYES ONLY."

21  
 22 Dated: August 31, 2017

MORRISON & FOERSTER LLP

23  
 24 By: /s/ Arturo J. González  
 ARTURO J. GONZÁLEZ

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